

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Land acquisition - East Godavari District - Peddapuram Division - Jaggampeta Mandal, Bhavaram village - Land acquired under Award No.1/91,dated.25.10.1991 for the work raising the FTL of Bhavaram Konetivari Tank - Land value enhanced in O.P.Nos. 3,5,6,8,9,10 and 13 of 93 - Appeals filed in A.S.Nos.1499, 1807, 990, 991, 2728, 1500, 968/2001 - Dismissed - Sanction of entire / full decretal charges - Orders - Issued.

IRRIGATION & CAD (PW.LA.I) DEPARTMENT

G.O.Rt.No. 817

Date:12 .11.2008

Read the following

1. From the Collector & District Magistrate, East Godavari District Ir.No. G1/3550/2001, dated. 26.10.2007.
2. From the Spl.Chief Secretary to Govt & CCLA,A.P, Hyderabad, letter No.G2/1435/2007, dated.27.11.2007.

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ORDER:-

In the reference read above, it has been reported that an extent of Ac.23.92 cts of land in S.No.28/1B etc., situated in Bhavaram village, Jaggampeta Mandal, was acquired under Award No. 1/91 by the Revenue Divisional Officer, Peddapuram on 25.10.91 for the work raising the FTL of Bhavaram Konetivari Tank duly fixing the land value @ Rs.11,000/- per acre. At the request of the aggrieved land owners covered with an extent of Ac.23.92 cts, the claims U/s 18 of L.A.Act were referred to the Civil Court. The Senior Civil Judge Court, Peddapuram after considering the reference pronounced decree and judgement in O.P.Nos.3/93, 5/93, 6/93, 8/93, 10/93 and 13/93, dated.5.7.2000 enhancing the land value fixed by the LAO from Rs.11,000/- to Rs.40,000/- per acre and that the claimants are entitled to 12% Additional Market Value on the enhanced amount from 1.4.89 the date of taking possession till 25.10.91 the date of award. In respect of O.P.No.9/93, the Senior Civil Judge Court, Peddapuram has pronounced decree and judgment on 16.7.2000 and allowed 12% Additional Market Value from 1.4.84 to 25.10.91 on the enhanced amount and the decree and judgment is the same in all other aspects with that of Common judgment in O.P.No.3/93 and batch, dated.5.7.2000.

2. Aggrieved by the Lower Court orders, the State preferred an Appeals before the Hon'ble High Court against the decree in O.P.Nos.3/93, 5/93, 6/93, 8/93, 10/93 and 13/93, dated.5.7.2000 and O.P.No.9/93,dated.16.8.2000. The Hon'ble High Court have granted interim stay in AS.No.990/2001, 991/2001, and 2728/2001 against O.P.Nos 6/93, 8/93 and 9/93 on condition to pay half of the decretal amount within 10 weeks from 3.1.2002, but no amount was sanctioned. The Hon'ble High Court in its order dated. 3.1.2007 in AS.No.968/2001 and batch dismissed the appeals and confirmed the orders of the Lower Court. In respect of AS.No.2728/2001 filed against O.P.No.9/93 the Hon'ble High Court pronounced separate decree and judgment on 16.3.2007 and allowed 12% Additional Market Value per annum on the enhanced amount from the date of Notification to till the date of passing of award, and interest at 9% per annum on the enhanced amount from the date of Notification for a period of one year and thereafter at the rate of 15% per annum till the date of realization and decree of the lower court stand confirmed in all other aspects.

3. The Collector & District Magistrate, East Godavari has requested the Government to sanction and release an amount of Rs.9,67,769/- towards entire decretal amount to comply with the orders of Hon'ble High Court in A.S.No.968/2001 and batch and AS.No.2728/2001 against the orders in O.P.No.3/93 and batch and 9/93. The Spl.Chief Secretary to Government & CCLA,A.P., Hyderabad, has forwarded the proposal of the District Collector, East Godavari District and recommended the Government to sanction the amount.

4. Government have examined the matter carefully and hereby sanction for an amount of Rs.9,65,659/- (Rupees Nine thousand Sixty Five thousand Six hundred and Fifty Nine only) to comply with the orders of Hon'ble High Court in A.S.No.968/2001 and batch

and AS.No.2728/2001 against the orders in O.P.Nos.3/93, 5/93, 6/93, 8/93, 10/93 and 13/93, and O.P.No.9/93., subject to verification whether the reference under section 18 of the LA Act is made to the lower court after following all the guidelines / directions on the subject and in the case it is detected that Sec.18 reference was made contrary to the rules / guidelines issued by the Government / CCLA immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the ENC (Minor Irr), as to the extent of land acquired. Further, the Collector should verify the calculations made by the LAO/RDO once again thoroughly with reference to the decree and instructions issued by the Govt/CCLA on the subject from time to time before depositing the amount in Civil Court,duly deducting the Income Tax as per rules in force.

5. The amount sanctioned in para (4) above shall be deductible to "4702 COL on Minor Irrigation, MH 101 Surface Water, GH 11 Normal State Plan, SH(12) Construction and Restoration of M.I.Sources, 530/532 Lands".

6. The District Collector, East Godavari District, Kakinada shall also follow the directions issued by the Hon'ble High Court on 30.4.2007 in W.P.No.2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of O.P.Nos.3/93, 5/93, 6/93, 8/93, 10/93 and 13/93, and O.P.No.9/93, under Bhavaram Konetivari Tank for avoiding intervention of the middlemen.

7. The Engineer-in-Chief, Minor Irrigation, Hyderabad shall take necessary steps for release of L.O.C.

8. This order issues with the concurrence of Finance (Exp.PW.I) Department vide their U.O.No. 28075/1156/Exp.PWI/08, dt.29.9.2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT

To,
The District Collector,East Godavari, Kakinada.
The Spl.Chief Secretary to Govt & CCLA.,A.P.,Hyderabad.
The Engineer-in-Chief(Minor Irr),Errumanzil,Hyderabad.
The Revenue Divisional Officer,Peddapuram,E.G.Dist.
The Director of Works Accounts, Hyderabad.
The Joint Director of Works Accounts, Dowlaiswaram.
The Accountant General, Andhra Pradesh, Hyderabad.

Copy to:-

The Finance (Exp.PW.I) Department
Stock File / Spare copies
In the file C.No.35208/L.A.I(A2)/2008

//FORWARDED : : BY ORDER//

SECTION OFFICER